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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,082	06/29/2006	Christoph Brabec	4001-1221	6212
466 7590 02/25/2009 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER KIM, AHSHIK	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 02/25/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/585,082

**Applicant(s)**

BRABEC ET AL.

**Examiner**

Ahshik Kim

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/29/06 (*initial filing of application*).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date 6/29/06, 9/25/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This is the first action relating to U.S. Application Serial No. 10/585,082 filed on June 29, 2006.

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#### *Preliminary Amendment*

2. Receipt is acknowledged of the preliminary amendment filed on June 29, 2006. Currently claims 1-20 remain in the examination.

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#### *Priority*

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

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#### *Specification*

4. Applicant(s) are reminded to include the following in the next communication with respect to the header(s) within the specification as following:

a) -- **Background of the Invention** --: The specification should set forth Background of the Invention in two parts: --**Field of the Invention** -- and --**Description of the Related Art** (if there are prior arts to be cited) --.

20

b) -- **Brief Summary of the Invention** --.

c) -- **Brief Description of the Several Views of the Drawing(s)** --.

d) -- **Detailed Description of the Invention** --.

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See some of enclosed prior arts for reference. Appropriate correction is required.

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*Claim Rejections - 35 USC § 102*

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,082,620 to Bone, Jr. (hereinafter “Bone”).

10 Re claims 1 and 2, Bone discloses a programmable display unit 1 for displaying barcode 4 (see figure 1), comprising: a multiple of strip-shaped elements 18-24 (see figur1) arranged to substantially parallel to and at a predetermined distance from each other, and each bar (or strip) can be activated based on the signal received (col. 3, lines 8+). As shown in figure 3, any strip/bar can be activated or not activated to represent the  
15 desired pattern (col. 4, lines 65+).

Re claims 3 and 11, as shown in figure 3, each display element can be individually activated (col. 4, lines 65+).

Re claims 4, 12, and 13, the bars are dark and light which suggests an electrochromic display means (col. 2, lines 6+)

20 Re claims 5, 14, and 15, relying on figure 2, input and encoding circuitry 27 may be considered an interface controlling the display (see figure 2).

Re claims 6 and 16, analog input device 34 and digital input device 30 are interfaces receiving signal causing a bar code to be produced.

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of  
10 the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to  
15 consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 8-10 and 18-20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,082,620 to Bone, Jr. in view of US 2004/0020988 to Omori (hereinafter "Omori").

20 The teachings of Bone have been discussed above.

Bone, however, fails to specifically teach or fairly suggest that the data transmission is done via radio waves using radio transponders.

Omori discloses barcode displaying device (see abstract, paragraph 0030) which receives information via radio communication.

25 In view of Omori's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known radio communication to

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the teachings of Bono in order to provide wireless communication means which is more convenient. Wireless communication is significantly flexible and advantageous since there's no need to provide physical electrical connection to each and every display device.

- 5 10. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,082,620 to Bone, Jr in view of US 6,842,341 to Waldvogel (hereinafter "Waldvogel").

The teachings of Bone have been discussed above.

- 10 Bone, however, fails to specifically teach or fairly suggest that the circuitry residing in the barcode display device is made of organic circuits.

Waldvogel discloses RFID transponder (col. 1, lines 16-17, col. 1, lines 20+) wherein the circuitry is built on organic circuit board (col. 3, lines 30+).

- 15 In view of Omori's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known organic circuits which is widely used in circuit board since they can be easily formed and its manufacturing cost is also inexpensive. Moreover, because of the materials used in the organic circuits, the disposal of such organic circuits is also less environmentally critical than that of conventional circuits.

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I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Creamer et al. (US 6,969,002); Owada (US 2006/0054695); Neumark (US 6,959,862); Sutherland (US 6,253,190); Alicot et al. (US 6,429,776) disclose barcode displaying devices and systems. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 8:00 AM to 5:00 PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available for Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ahshik Kim/

Primary Examiner  
Art Unit 2876  
February 20, 2009